

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JUAN CUEVAS,) Case No. C 12-05916 CRB
)
Plaintiff,) **STIPULATED REQUEST TO CONTINUE**
) **HEARING DATE AND ORDER**
vs.)
)
SKY WEST AIRLINES and)
)
JUAN DE LA CRUZ,)
)
Defendants.)
_____)

WHEREAS, the Court ordered defendant SkyWest Airlines, Inc., (“SkyWest”) to file any motion for summary judgment herein by December 6, 2013, with a noticed hearing date in "late January or early February...." (*See* Civil Minutes of June 28, 2013 (Dkt. No. 42).)

WHEREAS, SkyWest filed a Motion for Summary Judgment (“the Motion”) against plaintiff Juan Cuevas (“Cuevas”) on December 6, 2013, (Dkt. No. 72) and noticed the same for hearing on January 17, 2014;

WHEREAS, SkyWest inadvertently omitted a “Summary of the Argument” from its moving papers as required by Judge Breyer’s Standing Orders;

1 WHEREAS, under the Civil Local Rules pertaining to Motion Practice Cuevas
2 would have 14 days from the date of filing in which to file his opposition to the Motion and
3 SkyWest would have 7 days thereafter in which to file its reply (see Civ. L.R. 7-3);

4 WHEREAS, the commentary to the local rules states that the response and reply
5 time provided by the rules for motions are intended to be the minimum time periods and that
6 the parties are encouraged to stipulate to correspondingly longer notice, response, and reply
7 periods for more complex motions (see Civ. L.R. 7-2(b));

8 WHEREAS, both SkyWest and Cuevas agree that SkyWest's motion for summary
9 judgment is complex and will require more than the minimum opposition and reply times in
10 order to address the issues and evidence set forth in the motion and in support thereof;

11 WHEREAS, both SkyWest and Cuevas agree that Cuevas will serve both counsel
12 for SkyWest (separately) by overnight mail with his opposition brief and supporting papers;

13 WHEREAS, both SkyWest and Cuevas agree that SkyWest's agreement hereto is
14 merely a courtesy extension on the time in which to respond and nothing in this stipulation
15 indicates that SkyWest agrees that additional discovery related to summary judgment is
16 justified or needed;

17 WHEREAS, the only other time modification in this case was a joint stipulation to
18 extend the time for responsive pleadings filed on January 18, 2013 (Dkt. No. 3);

19 WHEREAS, the parties do not believe that the time modification requested pursuant
20 to this stipulation would have any material effect on the schedule for this case;

21 NOW, THEREFORE, the parties stipulate to the following:

22 1. The hearing on the Motion shall be rescheduled for February 7, 2014, at 10:00
23 a.m.;

24 2. Cuevas' opposition and supporting papers will be filed and served by no later
25 than January 3, 2014;

26 3. SkyWest's reply and any related papers will be filed and served by no later than
27 January 20, 2014; and
28

1 4. SkyWest shall have up to and including December 20, 2013 to file and serve a
2 "Summary of the Argument" in support of its Motion for Summary Judgment consistent
3 with Judge Breyer's standing orders.

4
5 Respectfully stipulated to by:

6
7 December 13, 2013

/s/ Rufus L. Cole

Rufus L. Cole, Counsel for Plaintiff
Juan Cuevas

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9
10
11 December 13, 2013

/s/ Gregory M. Saylin

Gregory M. Saylin, Counsel for Defendant
SkyWest Airlines, Inc.

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13
14 **ATTESTATION OF CONCURRENCE**

15 I hereby attest that concurrence in the filing of the document has been obtained from
16 each of the other signatories in lieu of their signature(s) on the document

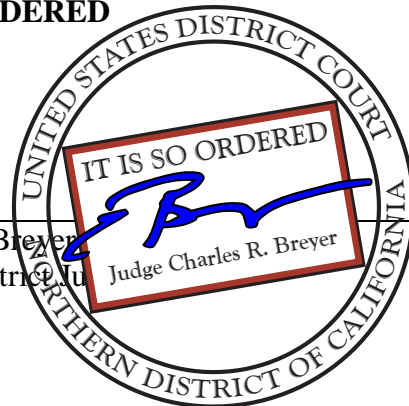
17
18 /s/ Rufus L. Cole

Rufus L. Cole, Counsel for Plaintiff
Juan Cuevas

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20
21 **PURSUANT TO STIPULATION, IT IS SO ORDERED**

22
23
24 December 17, 2013

25 Hon. Charles R. Breyer
26 United States District Court



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